

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
to Ensure Compatibility with Enhanced)	
E911 Emergency Calling Systems)	
)	

To: Wireless Telecommunications Bureau

**Price Communications Wireless, Inc. Petition for Limited Waiver
of Sections 20.18(e) and (f) of the Commission's Rules**

Price Communications Wireless, Inc. ("PCW"), parent of the licensee entities listed in Attachment 1, by its attorneys and pursuant to Sections 1.3 and 1.925 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"), hereby requests a limited and temporary waiver of Sections 20.18(e) and (f) of the Commission's rules.¹ Specifically, PCW seeks a temporary waiver of the requirement that Commercial Mobile Radio Service ("CMRS") carriers selecting a network-based Phase II E911 solution follow a phased-in implementation schedule

¹ *Commission Establishes Schedule for E911 Phase II Requests By Small and Mid-Sized Wireless Carriers*, Public Notice, FCC 01-302 (rel. Oct. 12, 2001); *Wireless Telecommunications Bureau Provides Guidance on Filings By Small and Mid-Sized Carriers Seeking Relief From Wireless E911 Phase II Automatic Location Identification Rules*, Public Notice, DA 01-2459 (Oct. 19, 2001).

beginning October 1, 2001.² As set forth below, PCW had originally intended to implement a handset-based solution for E911 Phase II compliance. Due to unforeseen circumstances, however, PCW had to change its implementation strategy and now requires a brief extension of time to implement and deploy a network-based solution for the implementation of Phase II capabilities. Accordingly, PCW proposes a modified schedule that will permit the deployment of network-based location technology in PCW's service areas beginning in the third quarter of 2002 for valid Public Safety Answering Point ("PSAP") requests. Specifically, PCW seeks an extension of time to begin providing Phase II E911 services to at least 50% of its served population until July 31, 2002 or within 6 months of a PSAP request, whichever is later; and to 100% of its coverage area or 100% of its served population within 18 months of such a request, or by July 31, 2003, whichever is later.

I. BACKGROUND

PCW is a medium-sized CMRS carrier that offers wireless telecommunications services throughout the southeastern United States. PCW is currently working to deploy Phase I services in all of its markets with the support of Telecommunications Systems, Inc., which is working closely with the public safety community on behalf of PCW to develop statewide Phase I implementation plans throughout PCW's service area.

² 47 C.F.R. §20.18(f).

In its original Implementation Report, PCW notified the Commission of its intent to adopt a handset-based solution for Phase II E911 compliance. However, PCW utilizes TDMA technology in its networks and its efforts to deploy and implement a handset-based solution for Phase II capability have been hampered due to a decision on the part of several key vendors not to develop and manufacture ALL-capable handsets for TDMA networks.³ Consequently, the commercial unavailability of ALL-capable handsets has forced PCW to change its E911 implementation strategy to a network-based solution.

PCW has found a practical network-based solution made commercially available by Nortel. Simultaneously with this waiver request, PCW is filing a Status and Modification Report on E911 Implementation to notify the Commission of its decision to switch to a network-based solutions for the implementation of Phase II capability. (See Attachment 2 for the text of that Report). This change in plans coupled with the difficulties faced by small and medium sized carriers facing significant vendor delays makes compliance with the October 1, 2001 deadline technically impossible.⁴ Nevertheless, PCW is fully committed to providing E911

³ "Many major handset vendors such as Nokia, Motorola, Panasonic, and Kyocera have abandoned TDMA development efforts." Advantage Petition for Waiver at 5. "Numerous vendors publicly announced that they would no longer devote substantial resources to the development of [TDMA] products." Cingular Petition for Waiver at 23 (*citing* Letters from Nokia, Motorola and Panasonic).

⁴ PCW fully intends to implement Phase II E911 services at the valid request of PSAPs. As of this date, however, no PSAP has registered a request for Phase
(continued...)

location capability to meet the emergency needs of its customers and has set forth below what it believes to be a viable projected path to Phase II E911 compliance.

A. Implementation of a Network-based E911 Phase II Solution Is Not Technically Feasible for PCW Before July 31, 2001

To implement the network-based location technology, Nortel requires that PCW upgrade its software baseline from MTX08 to MTX10. PCW believes it will be able to upgrade its facilities by the end of January 2002. While PCW has entered into negotiations with Nortel to deliver a network-based solution that will meet the FCC requirements in all of its markets, PCW has been unable to obtain a commitment from Nortel to deliver the necessary components before the second quarter of 2002. As a result, installation, deployment and testing is anticipated throughout the second quarter of 2002, with the earliest possible implementation of a compliant E911 system expected by the third quarter of 2002.

B. Projected Schedule of Compliance

PCW has declared a network-based solution in its Modified Implementation Plan and has developed the following proposed schedule to become compliant as soon as possible:

- 1/15/02- Complete audits on each switch to determine if all hardware is compliant with MTX10.

⁴ (...continued)
II E911 services in any of PCW's service areas. See Subsection C below.

- 1/20/02- Memory audit on PCW's Columbus, GA switch system to determine if the current processor will still function after loading MTX10 software; (the processor is currently running at approximately 60% capacity while the plan capacity is 65% and the engineered limit is 75%).
- 1/30/01- At this time PCW has not yet determined if an external bill server will be required in the Columbus system before upgrading to MTX10. After the audit, if it is determined that the processor will not run MTX10, then a new X-ACORE will have to be installed along with an external billing server.
- 2/1/02- After all audits have been completed and all hardware upgrades are completed (if needed), a One Night Process ("ONP") will be scheduled for changing the software to MTX10 on each of the three switches.
- 2/1/02- At 45 days out from the ONP all switches will begin loading all associated switching equipment with the MTX10-compatible loads beginning with the radios at the cell sites and ending with the mobile switching center. This will take approximately 30 days to complete.
- 3/30/02- After all loading has been completed, a memory retention test will then be done on each switch; the ONP will complete the software transition on the Computing Module of the switch, which will then run the MTX10 software.
- 4/01/02 - Purchase the Nortel location technology and software upgrades specific to E911 as they become available in the second quarter of 2002.

- 5/01/02 to 6/30/02 - Installation, testing and initial deployment of Nortel hardware components and additional software upgrades.

C. No PSAP Has Registered a Request for Phase II E911 Services in Any of PCW's Service Areas

PCW received a tentative request for Phase II E911 service from the PSAP for the City of Montgomery, Alabama, but the City withdrew the request and plans to resubmit it after January 1, 2002. Therefore, the limited waiver sought by PCW may be granted without prejudice to any existing PSAP request for Phase II E911 services.

II. GRANT OF WAIVER IS WARRANTED

Grant of a waiver of the Commission's rules is warranted where "the underlying purpose of the rule would not be served or would be frustrated by application to the instant case; and where the grant of the requested waiver would be in the public interest."⁵ In the context of E911, the Commission has recognized that individual waivers that are "specific, focused and limited in scope, and [that set forth] a clear path to compliance" may be granted where due to "technology-related issues" or "exceptional circumstances," a wireless carrier is unable to meet the October 1, 2001 deadline.⁶ PCW's waiver request satisfies this standard.

⁵ 47 C.F.R. §1.925(b)(3)(i).

⁶ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Fourth Memorandum Opinion & Order, 15 (continued...)

First, the scope of PCW's request is limited to relief from specific portions of Sections 20.18(e) and (f). PCW is not requesting a blanket waiver of the Commission's E911 Phase II requirements but rather requests a waiver only to the extent that these requirements cannot be accomplished in a technically or economically feasible way. Accordingly, PCW seeks an extension of the deadline set forth in Section 20.18(f) to allow it to implement a network-based solution in the most efficient and expeditious manner.

Second, PCW has formulated a proposed schedule that will enable PCW to begin implementing location-capable technologies by July 31, 2002. This nine month delay constitutes the best implementation timetable possible within the constraints of PCW's supplier relationship. This timetable is based on the vendor's estimates of general equipment availability dates for the second quarter of 2002. PCW has established a concrete plan to ensure that all necessary upgrades are made to its facilities in order to install the network-based solution once it is delivered by Nortel.

Third, despite its efforts to comply with the Commission's Phase II requirements in a timely fashion, PCW has faced technological issues that have hindered its progress. The fact that ALI-capable handsets are commercially unavailable have rendered adherence to the October 1, 2001 deadline impossible for any licensee

⁶ (...continued)
FCC Rcd 17442, 17454 (2000) (hereinafter, "*Fourth MO&O*").

choosing to implement a handset-based solution. PCW has made a good faith decision to switch implementation strategies in an effort to implement E911 Phase II capabilities as soon as practicable. The Commission has already recognized that wireless carriers may face difficulties in meeting the October 1, 2001 deadline to comply with Section 20.18(e) of its rules.⁷ Therefore, the requested waiver is consistent with the Commission's recognition that the compliance deadline should be linked to the availability of manufacturer equipment.

Finally, application of the Section 20.18(f) network-based solution deadline to PCW would be inequitable in light of the lack of available ALI-capable handsets and the scheduled market delivery of network location-based technology, factors over which PCW has no control. The Commission's paramount objective is for carriers to meet important public safety needs as quickly as reasonably possible.⁸ Denial of the requested waiver would serve no purpose, nor would it hasten the availability of E911 service. The ALI-handsets simply do not exist and the components necessary to implement Nortel's location-based technology are not yet available, making it impossible for PCW to comply with the current deadlines.

⁷ The Commission recognized that there would be instances when "technology-related issues" or exceptional circumstances" would cause delay in a wireless carrier's ability to meet the October 1, 2001 deadline. *Fourth MO&O* at 17442.

⁸ *Fourth MO&O* at 17449.

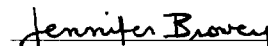
III. CONCLUSION

Based upon the representation made by the manufacturer, Nortel, PCW seeks a waiver for a nine month deferral of the penetration benchmarks set forth in Section 20.18(f). Such an extension would allow PCW the time to make the necessary software upgrades to its network and the time to install, deploy and test the Nortel location technology on its system. To require PCW to provide E911 services on a shorter timetable would be a disservice to the public interest as local emergency services would be relying on a system that had not been properly tested. Accordingly, PCW requests that a waiver and temporary extension be granted as proposed.

Respectfully submitted,

PRICE COMMUNICATIONS WIRELESS, INC.

By:



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Dated: November 26, 2001

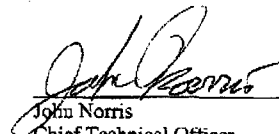
DECLARATION

I, John Norris, hereby declare under penalty of perjury that:

1. I am the Chief Technical Officer of Price Communications Wireless, Inc.
2. I have read the foregoing Petition for Waiver of Sections 20.18(e) and (f)

and am personally familiar with the facts contained therein, and believe them to be true and correct.

Executed this 26th day of November 2001.



John Norris
Chief Technical Officer
Price Communications Wireless, Inc.

Attachment 1

Licensee Subsidiaries of Price Communications Wireless, Inc.
That are Subject to E911 Requirements

<u>Call Sign</u>	<u>Licensee</u>	<u>MSA/RSA</u>	<u>Market Number</u>
KNKA522	Price Communications Wireless IV, Inc.	Montgomery, Alabama MSA	139A
KNKA688	Price Communications Wireless III, Inc.	Dothan, Alabama MSA	246A
KNKA705	Price Communications Wireless VII, Inc.	Macon-Warner Robins, Georgia MSA	138A
KNKA677	Price Communications Wireless VI, Inc.	Columbus, Georgia/ Alabama MSA	153A
KNKA563	Price Communications Wireless V, Inc.	Albany, GA MSA	261A
KNKA440	Price Communications Wireless II, Inc.	Augusta, Georgia/South Carolina MSA	108A
KNKA579	Price Communications Wireless VIII, Inc.	Savannah, Georgia MSA	155A
KNKQ354	Price Communications Wireless VII, Inc.	Georgia 6-Spalding (A-1)	376(A-1)
KNKQ438	Price Communications Wireless VI, Inc.	Georgia 6-Spalding (A-2) RSA	376(A-2)
KNKN676	Price Communications Wireless II, Inc.	Georgia 7-Hancock RSA	377A
KNKN684	Price Communications Wireless II, Inc.	Georgia 8-Warren RSA	378A

KNKN744	Price Communications Wireless II, Inc.	Georgia 9-Marion RSA	379A
KNKN777	Price Communications Wireless II, Inc.	Georgia 10-Bleckley RSA	380A
KNKN709	Price Communications Wireless II, Inc.	Georgia 12-Liberty RSA	382A
KNKN680	Price Communications Wireless V, Inc.	Georgia 13-Early RSA	383A
KNKQ356	Price Communications Wireless II, Inc.	Alabama 8-Lee RSA	314A
KNKA662	Price Communications Wireless IX, Inc.	Panama City, FL MSA	283A

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

To: Wireless Telecommunications Bureau

Price Communications Wireless, Inc. ("PCW"), parent of the licensee entities listed in the Attachment hereto, by its attorneys, hereby modifies its E911 Phase II Implementation Report previously submitted by PCW, in accordance with Section 20.18(i) of the Commission's Rules, 47 C.F.R. §20.18(i); the Commission's *Fourth Memorandum Opinion and Order*, FCC 00-326, released September 8, 2000, in CC Docket No. 94-102; and *Public Notice*, DA 00-2099, released September 14, 2000, in CC Docket No. 94-102.

Pursuant to the Commission's *Fourth Memorandum Opinion and Order*, "carriers may make good faith changes in plans after the report is filed," so long as the changes are filed within thirty days of the adoption of any such change. PCW files this report to notify the Commission that within thirty days it intends to change its implementation strategy to a network-based E911 Phase II solution from a handset based solution. PCW's vendor, Nortel, does not have a handset based solution available for TDMA handsets. Further, the vendor indicated that handset manufacturers have no plans to produce TDMA GPS equipped mobile stations so that a TDMA handset based E911 Phase II solution may never exist. PCW would like its customers to maintain use of their TDMA handsets. Accordingly, PCW hereby modifies its implementation plan to notify the Commission of its intent to deploy a network-based solution, even though the network-based solution may be more costly than a handset based solution. PCW believes that a network-based solution will allow it to comply with any PSAP request for ALI, Phase II implementation.

**STATUS AND MODIFICATION REPORT
on E911 Phase II Implementation
of Price Communications Wireless, Inc.
November 26, 2001**

Carrier Identifying Information:

Name/Address: Price Communications Wireless, Inc.
45 Rockefeller Plaza, 32nd Floor
New York, NY 10020
Phone: (212) 757-5600

TRS Numbers:

<u>TRS ID</u>	<u>Legal Name of Carrier</u>
802230	Price Communications Wireless VI, Inc.
802248	Price Communications Wireless II, Inc.
807576	Price Communications Wireless VIII, Inc.
802245	Price Communications Wireless IX, Inc.
802239	Price Communications Wireless VII, Inc.
802233	Price Communications Wireless III, Inc.
802242	Price Communications Wireless IV, Inc.
802227	Price Communications Wireless V, Inc.

Contact Information: Jennifer Brovey
Skadden, Arps, Slate Meagher & Flom LLP
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Washington, D.C. 20005
Tel: (202) 371-7000
Fax: (202) 393-5760
E-mail: jbrovey@skadden.com

E911 Phase II Location Technology Information:

Type of Technology:

PCW intends to deploy a network-based solution in implementing E911 Phase II technology. PCW has found a practical network-based solution made commercially available by Nortel. To implement the solution, Nortel requires that PCW upgrade its software baseline from MTX08 to MTX09 in order to ultimately upgrade to the MTX10 platform. After January 1, 2002, at the request of a PSAP, PCW believes that it will be able to upgrade its facilities to MTX09. PCW

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will use this solution for all entities listed above.

Testing and Verification:

PCW intends to verify conformance with the Phase II accuracy requirements by acquiring software tested by its vendor and which, according to its vendor, will provide accurate location information within the limits specified by the Commission's Rules. PCW will rely on information received from its vendors that provides some assurance that they are offering ALI-capable software in compliance with the accuracy rules. Additionally, PCW intends to follow the guidelines in OET Bulletin No. 71 for determining the accuracy of its ALI solution.

Implementation Details and Schedule:

Based on negotiations with Nortel, the vendor from whom PCW anticipates purchasing the network software infrastructure which will support its network-based system, PCW anticipates deploying the first software upgrade by the end of the first quarter of 2002 and the second software upgrade by the end of the second quarter 2002.

If PCW is required to make any changes in its implementation plans, it will notify the Commission of same within thirty days of the adoption of any changes, as required by Section 20.18(i) of the Commission's Rules.

Existing Handsets:

As mentioned above, PCW is deploying a network-based technology. This section is therefore not applicable.

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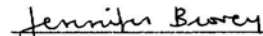
Location of Non-Compatible Handsets:

PCW will deploy a network-based technology. This section is therefore not applicable.

Respectfully submitted,

PRICE COMMUNICATIONS WIRELESS, INC.

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_____

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